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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,880	02/21/2002	Ramesh Karri	Poly-23-2	9914
26479	7590	12/14/2005	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			TRAN, THIEN D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/081,880	Applicant(s) KARRI ET AL.	
	Examiner Thien D. Tran	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-12, 16, 20-29 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16, 20-29 drawn to congestion based rerouting, classified in class 370, subclass 237.
 - II. Claims 17-19 drawn to data frame structure, classified in class 370, subclass 471.
2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
3. Because these inventions are distinct for the reasons given above and the search required for each group is different from each other, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
5. Applicant has elected group I with traverse for examination via a telephone call on 12/05/2005.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "if the determined next link of the connection is determined to have sufficient capacity to meet that requested by the request, then updating connection admission control information to decrease the capacity of the link to reflect the capacity requested by the request" is not disclosed in the specification.

8. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "update the connection admission control information to decrease the capacity of the link to reflect the capacity requested by the request if the determined next link of the connection is determined to have sufficient capacity to meet that requested by the request" is not disclosed in the specification.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1-3, 7-9, 11, 12, 16, 20-22, 25, 26 are rejected under 35 U.S.C. 102(b) as being participated by Chevalier et al (US Patent No. 5,881,050).

Regarding claim 1, 9, Chevalier discloses for use with a node of a communications network, a method for setting up a connection in response to a request (col.8 lines 55-65), the method comprising:

a) determining a next link of the connection based on routing information (determining a link for reservation, col.8 lines 30-40);

b) determining whether the determined next link of the connection has sufficient capacity to meet that requested by the request (col.8 lines 60-63);

c) if the determined next link of the connection is determined to not have sufficient capacity to meet that requested by the request, repeating (b) and (c) at least once to try an alternative next link (figure 6);

d) if the determined next link of the connection is determined to have sufficient capacity to meet that requested by the request, then updating connection admission control information to decrease the capacity of the link to reflect the capacity requested by the request (col.14 lines 1-10).

Regarding claims 20-22, 25, 26, Chevalier discloses for use in call signaling protocol, a method for use by a node of a communications network to determine a link of a connection, the method comprising:

- a) determining a next hop of the connection based on routing information (determining a link for reservation, col.8 lines 30-40);
- b) determining a link associated with the determined next hop (col.8 lines 30-40);
- c) determining whether or not the determined link has sufficient communications resources to satisfy the call (col.8 lines 60-63); and
- d) only if it is determined that the determined link has sufficient communication resources to satisfy the call, then allocating communication resources of the link to the call (col.14 lines 1-10).

Regarding claims 2, 11, Chevalier discloses that the determined next link of the connection is determined to have sufficient capacity to meet that requested by the request, then further requesting a connection identifier (col.8 lines 60-63).

Regarding claims 3, 12, Chevalier discloses accepting a requested connection identifier received; and providing an interface number and allocation control information to an interface associated with the interface number (allocating bandwidth to connection identifier parameters base on the bandwidth request, col.12 lines 40-55).

Regarding claims 7, 8, 16, Chevalier discloses accepting allocated capacity information; updating switch mapping information in response to the received allocated capacity information; and updating state information based on the allocated capacity information (col.6 lines 35-40).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 10, 23, 24, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chevalier et al (US Patent No. 5,881,050).

Regarding claim 10, Chevalier discloses limitations of the independent claim. Chevalier does not disclose that the device of the independent claim is a field programmable gate array. However, it would have been obvious to one having ordinary skill in the art to have the feature of field programmable gate array so that the device as claimed can be programmed to work properly.

Regarding claims 23, 24, 27-29, Chevalier discloses limitations of the independent claim. Chevalier does not disclose that the link is wavelength division multiplexed link. However, it would have been obvious to one having ordinary skill in the art to have the feature of wavelength division multiplexed link so that high data rate can be transmitted in the link.

Allowable Subject Matter

13. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

**DUCHO
PRIMARY EXAMINER**

Ducho
12-12-05